

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DENHOLLANDER, et al.	)	
	)	Lead Case No. 1:17-cv-00029-GJQ-ESC
Plaintiffs,	)	and all consolidated member cases:
	)	1:17-cv-00222-GJQ-ESC
v.	)	1:17-cv-00244-GJQ-ESC
	)	1:17-cv-00254-GJQ-ESC
MICHIGAN STATE UNIVERSITY,	)	1:17-cv-00257-GJQ-ESC
et al.,	)	1:17-cv-00288-GJQ-ESC
	)	1:17-cv-00349-GJQ-ESC
Defendants.	)	1:17-cv-00676-GJQ-ESC
	)	1:17-cv-00684-GJQ-ESC
	)	
	)	Hon. Gordon J. Quist
	)	
	)	

**JOINT OMNIBUS MOTION TO DISMISS OF DEFENDANTS MICHIGAN STATE  
UNIVERSITY, BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY,  
KATHIE KLAGES, DR. JEFFREY KOVAN, AND DR. WILLIAM STRAMPEL**

**ORAL ARGUMENT REQUESTED**

Defendants Michigan State University and the Board of Trustees of Michigan State University (collectively, “MSU”) and defendants Kathie Klages, Dr. Jeffrey Kovan, and Dr. William Strampel (collectively, the “MSU Individuals” and, together with MSU, the “MSU Defendants”), by their respective attorneys, jointly move to dismiss all of the following Plaintiff Groups<sup>1</sup> operative complaints (collectively, the “Complaints”) in these consolidated cases:

- Plaintiff Group A’s Fourth Amended Complaint (*see generally* PageID.5684-5877);<sup>2</sup>

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<sup>1</sup> Plaintiff Groups are defined with reference to their pseudonyms; for example, Plaintiffs utilizing the Jane A[#] Doe naming convention make up Plaintiff Group A, Plaintiffs utilizing the Jane B[#] Doe naming convention make up Plaintiff Group B, Plaintiffs utilizing the Jane C[#] Doe naming convention make up Plaintiff Group C, etc.

<sup>2</sup> Citations to “PageID” refer to the docket in lead case *Denhollander v. Mich. State Univ.*, No. 17-cv-00029, unless otherwise noted.

- Plaintiff Group B's First Amended Complaint (*see generally* PageID.5361-5523);
- Plaintiff Group C's Third Amended Complaint (*see generally* PageID.5951-6096);
- Plaintiff Group D's Fourth Amended Complaint (*see generally* PageID.5524-5634);
- Plaintiff Group E's First Amended Complaint (*see generally* PageID.5878-5950);
- Plaintiff Group F's First Amended Complaint (*see generally* PageID.6106-6162); and
- Plaintiff Group G's First Amended Complaint (*see generally* 1:17-cv-00684 PageID.83-146).

This motion is brought under Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) in lieu of filing answers. In support of their motion, the MSU Defendants rely on the facts and legal arguments set forth in their attached brief.

Pursuant to Local Civil Rule 7.1(d), prior to filing their Joint Omnibus Motion to Dismiss, the MSU Defendants' counsel sought concurrence from all Plaintiffs' counsel. Plaintiffs' counsel expressly denied concurrence in writing on January 11, 2018 or otherwise failed to respond, thereby making this motion necessary.

WHEREFORE, for these reasons and those stated more fully in the attached brief, the MSU Defendants respectfully request that the Court grant this motion and dismiss Plaintiffs' Complaints in their entirety with prejudice, and award any other relief to which the MSU Defendants may be entitled, and the Court deems appropriate, under the circumstances.

Respectfully submitted,

/s/ Patrick J. Fitzgerald

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**Certificate of Service**

I hereby certify that on January 12, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/ Patrick J. Fitzgerald

Patrick J. Fitzgerald